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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/823,568	04/14/2004	Tomoharu Tanaka	001701.00205	4830
22907	7590	09/29/2006	EXAMINER	
BANNER & WITCOFF 1001 G STREET N W SUITE 1100 WASHINGTON, DC 20001			OWENS, DOUGLAS W	
			ART UNIT	PAPER NUMBER
			2811	

DATE MAILED: 09/29/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/823,568	<b>Applicant(s)</b> TANAKA ET AL.	
	<b>Examiner</b> Douglas W. Owens	<b>Art Unit</b> 2811	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 27 July 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>6/22/06</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1 – 14 and 17 – 20 are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent No. 6,606,707 to Hirota et al.

Regarding claims 1 and 8, Hirota et al. teach a detachable nonvolatile semiconductor memory package (Fig. 5, for example) comprising:

- a memory device (303) having a memory cell array including a plurality of nonvolatile semiconductor memory cells;
- a control portion (325) configured to control the memory device;
- a network interface (4) connectable to a network;
- a file management portion (322; Col. 11, lines 6 – 10) connected to the network interface and configured to manage a relationship between a data file from the network and an address of the memory cell array; and
- a memory interface (327) connected to the file management portion and configured to convert a signal from the file management portion to a signal which is capable of being used at the control portion,

wherein the package is wrapped by an insulating material (shown in drawing. The material around the package would be insulative or the device would not function properly).

Regarding claims 2 – 5 and 9 – 12, Hirota et al. inherently teach an interface that corresponds to a tcp/internet protocol, ftp, anonymous ftp and point-to-point protocol, since these are all protocols used over the internet and the device is configured to store downloaded data from the internet (Col. 7, lines 52 – 56 and Col. 16, lines 40 – 44, for example).

Regarding claims 6 and 13, Hirota et al. teach a nonvolatile semiconductor memory package, wherein the package is connectable to equipment disconnected from the network.

Regarding claims 7 and 14, Hirota et al. teach a nonvolatile semiconductor memory package, wherein the package functions as a storage device for the equipment.

Regarding claims 17 and 18 Hirota et al. teach a nonvolatile memory device, further comprising a power source, which would be connected at Vdd.

Regarding claims 19 and 20, Hirota et al. teach a nonvolatile detachable memory device, wherein the device is connectable to a download machine to hold software from a data server linked with the download machine via the network.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 2811

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 15 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hirota et al. as applied to claims 1 and 8 above, and further in view of US Patent No. 5,751,631 to Liu et al.

Hirota et al. is silent with respect to the type of memory used in memory cell array. Liu et al. teach that, of the two popular flash memory types, NAND is the most promising for mass storage (Col. 1, lines 27 – 31). It would have been obvious to one of ordinary skill in the art to use NAND type memory, as suggested by Liu et al., since it is desirable to use the type of device with a smaller cell size because more memory can be included on the device.

### ***Response to Arguments***

5. Applicant's arguments filed July 27, 2006 have been fully considered but they are not persuasive.

Applicant argues that Hirota et al. do not teach a file management portion, asserting that the only file management portion is the software stored on the PC hard disk. The software alone cannot perform the file management. Hirota et al. teaches that commands received by the control unit (322) include commands to read, write and delete data from the flash memory. In other words, the control unit receives commands to help manage files. The control unit further receives commands related to an address space, which is also considered file management because this relates to where the files are stored.

Applicant further argues that Hirota et al. fail to teach a package with a network interface, but only an interface for data signals. Applicant further asserts that Hirota et al. only teach a memory card that is connectable to a PC, whereby the PC is connectable to a network. The memory package exchanges information with the PC via the data/network interface. Since the PC is connectable to a network and the memory package is connected to the PC, it is reasonable to say that the memory package is connectable to a network via the PC.

### ***Conclusion***

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Douglas W. Owens whose telephone number is 571-272-1662. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eddie C. Lee can be reached on 571-272-1732. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A handwritten signature in black ink, appearing to read "Douglas W. Owens". The signature is fluid and cursive, with the first name "Douglas" being the most prominent part.

Douglas W Owens  
Primary Examiner  
Art Unit 2811

DWO  
September 27, 2006